

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RONALD F. MARTINEZ,

Plaintiff,

v.

C. RODRIGUEZ,

Defendant.

Case No.: 1:21-cv-01495 JLT CDB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS A
CERTAIN CLAIM

(Doc. 38)

Ronald F. Martinez seeks to hold C. Rodriguez, a correctional officer at CSP Corcoran, liable for violations of his civil rights pursuant to 42 U.S.C. § 1983. (Doc. 34.) The magistrate judge screened Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A(a), and found he stated a cognizable claim for retaliation in violation of the First Amendment. However, the magistrate judge found "Plaintiff fails to state a due process violation" by Defendant. (Doc. 38 at 3-11.) Therefore, the magistrate judge recommended the action proceed on Plaintiff's retaliation claim and "[t]he remaining claim or claims be dismissed." (*Id.* at 11, emphasis omitted.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 38 at 11.) The Court advised him that the "failure to file objections within the specified time may result in the waiver of certain rights on appeal." (*Id.* at 12, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) In response, Plaintiff filed a "Statement of No Objections to the Magistrate Judge's Findings and

Recommendations,” indicating that he “wants to proceed on the retaliation allegations, claim(s) against defendant Officer Rodriguez.” (Doc. 39 at 1.)

According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

1. The Findings and Recommendations issued on December 19, 2024 (Doc. 38) are **ADOPTED** in full.
2. This action **PROCEEDS** only on the claim for retaliation in violation of Plaintiff’s First Amendment rights.
3. Any remaining claim or claims are **DISMISSED**.
4. This matter is referred to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: **January 7, 2025**


UNITED STATES DISTRICT JUDGE